

Peter J. Stackpole (72103)
Trial attorney for Defendants

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

JANIE SAMUEL, et al	:	CASE NO. 1:02cv378
Plaintiffs,	:	JUDGE MICHAEL BARRETT
vs.	:	
STEVEN M. HOOG, et al.,	:	<u>MOTION FOR LEAVE TO FILE</u>
Defendants.	:	<u>ANSWER TO PLAINTIFF'S</u>
	:	<u>FIRST AMENDED COMPLAINT</u>
	:	<u>OUT OF TIME</u>

Now come Defendants Steven M. Hoog and Michael A. Lotz, ("Defendants"), and move the Court for leave to file an Answer to Plaintiffs' First Amended Complaint out of time. Counsel for Plaintiffs has no objection to this motion.

Respectfully submitted,

JULIA L. McNEIL,
CITY SOLICITOR

/s/ Peter J. Stackpole
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MEMORANDUM IN SUPPORT

On May 28, 2004, plaintiffs filed their first amended complaint (Doc. 15). Defendants moved to dismiss the first amended complaint on July 29, 2004 (Doc. 18). On March 14, 2005, Judge Watson denied the motion to dismiss and former counsel for defendants filed an interlocutory appeal with the Sixth Circuit Court of Appeals (Doc. 39). The undersigned counsel appeared on behalf of the defendants during the pendency of the interlocutory appeal (Doc. 41). The undersigned counsel dismissed the appeal voluntarily on April 24, 2006 (Doc. 43). The parties are in the process of discovery depositions.

The plaintiffs will not be prejudiced if defendants are granted leave to file their Answer to the first amended complaint, and plaintiffs have no objection to this motion. A copy of the proposed answer is attached as "Attachment A".

For the above reasons, and in order to clarify the record, defendants' motion for leave to file answer to first amended complaint out of time should be granted.

Respectfully submitted,

JULIA L. McNEIL, (0043535)
CITY SOLICITOR

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CERTIFICATE OF SERVICE

I hereby certify on June 26, 2006 that a true and accurate copy of the foregoing was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system and copies will be mailed to those parties who are not served via the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Peter J. Stackpole

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Assistant City Solicitor